

Mail Stop Interference  
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Filed: August 22, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

AKWETE ADJEI AND ANTHONY J. CUTIE  
Junior Party  
(U.S. Reexamination Certificate 6,136,294 C1),

MAILED

AUG 22 2007

v.

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

PAUL ALFRED DICKINSON AND SIMON JOHN WARREN  
Senior Party  
(U.S. Application 10/668,840).

Patent Interference No. 105,573 (MPT)  
(Technology Center 1600)

Before: Sally C. Medley, Michael P. Tierney and James T. Moore, *Administrative Patent Judges*.

Tierney, *Administrative Patent Judge*.

**JUDGMENT – ADVERSE – Bd. R. 127(b)**

1        This interference was declared on July 9, 2007. Per the Standing Order  
2        (Paper No. 2), within fourteen days of the declaration of the interference, each party  
3        in interference must file certain mandatory notices (notice of real party in interest,  
4        related proceedings) as well as a notification of lead and backup counsel. (Paper  
5        No. 2, ¶¶ 8 & 108). Junior Party Adjei failed to file the required papers.

1 Sonja Desperth, a Trial Division Paralegal, contacted Andrew Parial, a  
2 registered patent attorney (Registration No. 50,382), who stated that he represents  
3 the real party in interest (Abbott Laboratories) for Junior Party Adjei. Mr. Parial  
4 informed Ms. Desperth that Abbott Laboratories would not be going forward with  
5 the interference, i.e., abandoning the contest. Abandonment of the contest under 37  
6 C.F.R. § 41.127(b)(4) is construed as a request for adverse judgment. 37 C.F.R.  
7 § 41.127(b).

8 It is:

9 **ORDERED** that judgment on priority as to Count 1, the sole count in  
10 interference, is awarded against Junior Party Adjei.

11 **FURTHER ORDERED** that Junior Party Adjei is not entitled to a patent  
12 containing claims 1-4, 7-9, 11-18, and 21-26 of U.S. Patent No. 6,136,294 C1, all  
13 of which correspond to Count 1.

14 **FURTHER ORDERED** that a copy of this paper shall be made of record in  
15 the files of application 10/668,840 and U.S. Patent No. 6,136,294 C1.

16 **FURTHER ORDERED** that should there be a settlement agreement, the  
17 parties attention is directed to 35 U.S.C. §135(c) and 37 C.F.R. §41.205.

cc: (via Overnight Mail):

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